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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,836	10/12/2001	Marco Peters	Q66094	7385

7590   07/19/2005

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EXAMINER
AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1.   Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/46697 (Bending et al.) in view of US 2002/0152228 (Lopez et al.)

As to claims 1, 9, and 10, Bending et al. teaches an apparatus and related method wherein, a mobile telephone unit 100 read as the claimed terminal has a browser function therein for browsing a network such as the Internet. (Fig. 1, P. 9, lines 5 – 19) Bending et al. further teaches a telephony unit 170 read as the claimed processor. (P. 9, line 21 – P. 10, line 1) Note that even if telephony unit 170 does not

operate browser 130, it is inherent that some processor in unit 100 operates the

browser software. There would be no other way for the browser to function as a

browser is merely a software program/module. Bending et al. also teaches memory 150

with which browser 130 operates. (Fig. 4, P. 14, line 6 – P. 15, line 10) Again, as with

the above-mentioned processor, there also must be other memory in unit 100 in order

for the unit 100 to function. Any mobile unit has a processor and at least some memory

used for operating the unit and any other function/feature to be used on that unit.

Bending et al. further teaches a man-machine-interface in the form of either a

keypad 114 on unit 100 or the actual browser graphical user interface 182 for allowing a

user of unit 100 to interact with the unit/browser. (Fig. 3, P. 12, line 22 – Col. 14, line 4)

Finally, Bending et al. also teaches that user may override the browser function

on unit 100 by invoking automatic call module 140 to disconnect unit 100 from local

internet server 222 or to suspend the browsing function. (P. 5, lines 9 – 17, P. 6, lines

16 – 25, P. 10, lines 11 – 24) Note that the automatic call module 140 reads on the

claimed generator in that some signaling/messaging inherently must be sent/recognized

from the module 140 to instruct unit100/browser 130 to cease/suspend browsing

operations.

What Bending et al. does not explicitly teach is overriding a browser function

when a hang-up event has occurred via the use of a detector and generator for

automatically generating an overrule signal.

However, anyone who uses a Windows-based computer knows how to perform a

ctrl-alt-del function wherein if that combination of buttons is pressed, the option to

access a "Task Manager" appears, through which a user can end any application including hung-up applications. This is a common experience that even the examiner and likely, many computer users have had. Yet, this does not reset the entire computer, only the desired application that could be a browser. Implementing the same sort of functionality on a mobile device would be obvious for one of ordinary skill in the art as well inasmuch as the trend of mobile telephones is to replicate the features of PDAs and computers and even some mobile telephones have Windows-based or Windows-like operating systems, providing even more motivation for such functionality.

Moreover, Lopez et al. teaches a method and means for saving contents and relaunching an application program such as a browser with a link to saved data. Resident software or a separate guard program read as the claimed detector can detect behavior or lack of behavior, which causes the guard program to perceive another program, such as a browser, has become frozen or hung-up. Thereafter, the guard program can automatically invoke a defreezing subroutine, read as the claimed overrule signal for restarting or resetting, or even merely terminating the frozen program or browser. (Abstract, P. 4, ¶ 0050, P. 5, ¶ 0060 – 0062, P. 6, ¶ 0066 – P. 7, ¶ 0076, P. 10, ¶ 0106 – 0107, P. 10, ¶ 0111 – P. 12, ¶ 0127 of Lopez et al.) For the same reasons mentioned above, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented such a feature(s) in the invention of Bending et al. inasmuch as the trend of mobile telephones is to replicate the features of PDAs and computers and even some mobile telephones have Windows-based or Windows-like operating systems, providing even more motivation for such functionality.

As to claim 2, Bending et al. teaches various embodiments/ways to implement the override function/automatic call module 140, one of which is to use JAVA applets. JAVA applets allow a browser to download a program or some functionality (via a browser, such as browser 130) at the time it is to be used. Because JAVA applets reside on a server, read as the claimed network-unit, in the Internet network, browser 130 transmits some signal to the website/server requesting the JAVA applet in response to the above-discussed invocation of module 140. In response, the server, sends a response signal to amend browsing, which in this instance is the actual JAVA applet sent to unit 100 to allow for browsing to be cancelled/suspended so that a telephony call can be made. (P. 24, line 23 – P. 29, line 8, P. 30, lines 14 - 25)

Lopez et al. as well teaches transmitting an information signal to a network and receiving a response for correcting the browser freezing or hang-up. (P. 7, ¶ 0076 of Lopez et al.)

As to claim 3, Bending et al. teaches that after a telephony connection has been made, automatic call module 140 causes reconnection to internet server 222 and retrieves the last stored website data from memory and connects to that website and displays the associated website information. Such reads on the claimed generation of a previous address signal in that the disconnecting/suspending of browsing reads on the claimed amending aspect.

As to claims 4 and 8, Bending et al. teaches the ability to suspend browsing or actually disconnect from local Internet server 222 and then reconnect unit 100 and browser 130 thereto. In effect, this is a "reset" of the browsing function since the

browsing is first stopped as discussed above with regard to claim 5, and then re-initiated.

As to claim 5, Bending et al. does teach, as discussed above, actually disconnecting the unit 100, and consequently browser 130 from the local Internet server 222. This effectively "finishes" the browser function because it can no longer browse the web. Interpreted in another way however, finishing the browser function can mean actually ending the browser program. Bending et al. does not mention actually closing the browser. Also, in some circumstances, it is old and well known that a browser may be used off-line, accessing stored web pages even though a connection to the Internet does not exist.

However, such a feature would merely be a design choice or preference for one of ordinary skill in the art at the time the invention was made. A motivation for actually closing the browser is to save resources and memory and processing power on unit 100. If there is no connection to Internet server 222, there is no reason to have browser 130 open on unit 100. It is known in the art that mobile telephones already "suffer" from either lack of processing power or lack of operating memory due to their increasingly small physical dimensions and closing the browser would save that processing power and memory.

As to claim 6, see the rejection of claims 1 and 2.

As to claim 7, see the rejection of claim 3.

As to claims 11 – 13, Lopez et al. teaches multiple ways of storing and/or retrieving data such as a URL, i.e., a network address, or simply relaunching a new

network browser that is a fresh copy, which of course, would read on a predetermined network address inasmuch as it is known that browsers can be configured to have a default homepage that it brings up each time it is launched. Interpreted in another manner, see again P. 7, ¶ 0076 of Lopez et al. and note that transmitting the overrule signal or overrule request would inherently or at the least obviously involve sending the signal or request to some network location / address wherein the above-mentioned guard program or unfreezing program could be accessed / initiated / etc.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 - 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 3,937,925 (Boothroyd) teaches a system wherein a hang detector causes a microprocessor to reset to a predetermined program instruction in the event that an unrecoverable error condition cause interruption of the normal program execution. US 5,715,386 (Fulton, III et al.) teaches an apparatus and method for software rejuvenation.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.
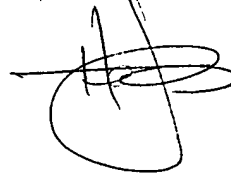
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
July 14, 2005

HECTOR A. AGDEPPA
PATENT EXAMINER